

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Court
Southern District of Texas
FILED

JUL 14 2016

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

VS.

EDGAR AVILA

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CRIMINAL NO. H

16CR0310

INDICTMENT

The United States Grand Jury charges:

INTRODUCTION

At all times material herein:

1. Crestmark Mortgage Company Ltd (Crestmark), including its branches and affiliates, was a mortgage lending business, which financed a debt secured by an interest in residential real estate.
2. A mortgage lending business means an organization which finances or refinances any debt secured by interest, in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate and foreign commerce.
3. The Department of Veteran's Affairs was an agency of the United States that insured and guaranteed the defendant's loan by Crestmark for residential real estate.

COUNT 1
FALSE STATEMENT TO OBTAIN A LOAN
(18 U.S.C. 1014)

4. On or about January 22, 2014 in the Southern District of Texas, the defendant,

EDGAR AVILA,

knowingly made false statements and reports for the purpose of influencing the action of a mortgage lending business and a financial institution, the accounts of which were guaranteed by

the Veteran's Administration, in connection with an application and a loan, in that the defendant provided material false information about his identity, income, employment history and education history, when in truth and in fact, each of the representations was false. All in violation of Title 18 United States Code Section 1014.

COUNTS 2 & 3
MAIL FRAUD
18 U.S.C. § 1341)

INTRODUCTION

5. The Grand Jury adopts, re-alleges, and incorporates herein the allegations in the above paragraphs one (1) through three (3) as if set out fully herein.

THE SCHEME TO DEFRAUD

6. From on or about May 12, 2012 through on or about December 4, 2014, in the Houston Division of the Southern District of Texas, and elsewhere,

EDGAR AVILA,

defendant herein, did knowingly devise, attempt to devise, and intend to devise a scheme and artifice to defraud and to obtain money and property by false and fraudulent pretenses, representations and promises, all as more fully set forth below.

C. THE MANNER AND MEANS OF THE SCHEME TO DEFRAUD

7. Among the manner and means by which the defendant sought to accomplish and did accomplish the purpose of the scheme to defraud were the following acts:

a. The defendant used a false date of birth and false social security number to secure vehicle loans.

b. The defendant falsified documents regarding repairs and created false mechanics' liens to clear the title to the vehicles through the use of the United States Postal system.

c. The defendant provided false documentation to the Texas Department of Motor vehicles and obtained titles to the vehicles.

d. The defendant sold the vehicles using the fraudulently obtained titles.

D. EXECUTION OF THE SCHEME TO DEFRAUD

4. On or about the following dates, in the Houston Division of the Southern District of Texas and elsewhere, for the purpose of executing the scheme and artifice to defraud and to obtain and attempt to obtain money and property by means of false and fraudulent pretenses, representations and promises, and intending to do so, EDGAR AVILA did the following:

COUNT 2

a. On or about January 13, 2014, the defendant used a false date of birth and false social security number to secure a loan from Audi Financial Services for over \$72,000.

b. The defendant falsified documents regarding repairs and created a false mechanic's lien on the part of Creative Customs.

c. The defendant sent an envelope to Audi Financial Services in Libertyville, Illinois through the United States Postal Service on or about October 7, 2014.

d. The defendant provided false documentation to the Texas Department of Motor vehicles and obtained a certificate of title on or about November 13, 2014.

d. The defendant sold the vehicle to Westside Lexus in Houston, Southern District of Texas under the assumed name of Michael Mendez for approximately \$55,000 on November 25, 2014.

COUNT 3

a. On or about May 17, 2012, the defendant used a false date of birth and false social security number to secure a loan from Toyota Motor Credit for over \$ 35,801.17.

b. The defendant falsified documents regarding repairs and created a false mechanic's lien on the part of Performance Automotive.

c. The defendant sent an envelope to Toyota Motor Credit Corporation through the United States Postal Service on or about May 8, 2012.

d. The defendant provided false documentation to the Texas Department of Motor vehicles and obtained a certificate of title on or about June 26, 2013.

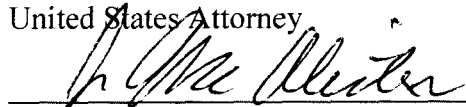
d. The defendant sold the vehicle to Car Max located in the Southern District of Texas for approximately \$27,000 on or about June 12, 2013.

Original Signature on File

FOREPERSON OF THE GRAND JURY

KENNETH MAGIDSON
United States Attorney

By:



Jim McAlister
Assistant United States Attorney